



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, AUGUST 19, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, August 19, 2010, in the Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 3:30 p.m. The following Commission members were present:

Roland Stults
Jo Ann Heim
Wylie Hamilton
Agnes Berry
Charles Townsend
Clell Coleman
Donald Lukich

City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Amelia Serrano, Administrative Assistant II, and Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Jo Ann Heim and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amelia Serrano swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JULY 22, 2010.

Commissioner Jo Ann Heim moved to APPROVE the minutes as presented. Commissioner Agnes Berry SECONDED the motion, which was PASSED by a unanimous voice vote of 7 to 0.

NEW BUSINESS:

1. PUBLIC HEARING CASE # 034-1-081910 – SPRING CREEK – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE CITY PUD (PLANNED UNIT DEVELOPMENT) OF APPROXIMATELY 52 +/- ACRES TO REDUCE THE PERMITTED DEVELOPMENT OF 174 SINGLE FAMILY RESIDENTIAL HOMES TO 137 SINGLE FAMILY RESIDENTIAL HOMES FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 48, EAST OF U.S. HIGHWAY 27 - **(CITY COMMISSION DATES - 1st READING ON SEPTEMBER 27, 2010 AND A 2ND READING ON OCTOBER 11, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, revised Planned Unit Development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

Mr. Wiley gave a brief history on this case since it originally was started in 2005. He advised this same case had already been voted on with the understanding there were going to be 174 homes on this property with conditions. There were concerns raised by the Legacy development and those were addressed and the case made it through the approval process, which allowed the new owners to stay with the agreed upon conditions. The property has changed hands since then and the new owners have reduced the lots from 174 to 122, creating a more appealing community design and incorporating many of the concerns that weren't in the previous conditions. This is why the case is being brought before the board again.

No substantive comments were received from the departments. We had only one public comment that was received for approval, eight for disapproval, and one who had just general comments; all are noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. The proposed amended PUD (Planned Unit Development) zoning district is compatible with adjacent properties. This request does not appear to create a detriment to the surrounding properties but would actually be more consistent with adjacent subdivisions.
2. The proposed amended PUD (Planned Unit Development) zoning district is compatible with the existing City future land use designation of ED (Estate Density Residential).
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Mr. Wiley then spoke about the amended Planned Unit Development conditions stating many things that have been changed are due to change of ownership and so forth. The first change is a change in title and ownership. The next change is a change in land use, which is a reduction from 174 to 122 lots. The minimum lot sizes have also changed to provide for larger or smaller lots depending on location within the development. The third item is a provision requested by the Legacy property owners and it discusses the possibility of having recreation vehicles within the development, this was changed from being a deed restriction to a condition. The fourth item deals with the buffering zone. The owners have agreed to this condition and this should clear up some concerns the legacy residents may have. The fifth item was in reference to the landscape design and spelled out certain general requirements. New language, which was not used in 2005, has been added into the conditions. The additions are now considered general in nature to all PUD zoning. Clarification in language was made in a couple of different areas that has changed since 2005. For the most part the conditions have just been updated to current language.

Mr. Stults called for the applicant, Mr. Mike Galvin the managing member of Spring Creek Investments, to come forward and speak. He advised the property was purchased by the company in

2008. The density has been reduced so it would sell. The previous plans basically leveled the land and took away its natural beauty. The new projected plans compliment the surrounding property and utilizes the natural characteristics of the property.

Mr. Lukich asked about the life and maintenance of the PVC fencing. Mr. Galvin stated the fencing would be maintained by the H.O.A. Mr. Wiley stated that over the years the life of the fencing has improved.

Mr. Townsend asked about the location of the home office and who would be doing the construction. Mr. Galvin stated they are located out of Clearwater and many of the sub-contractors would be local where as the general contractor could be from the Orlando, Tampa or surrounding area.

Mr. Townsend asked about the possible impact on the city. Mr. Galvin stated the community was designed to be more upscale and at a higher price range.

Mr. Townsend then asked about why this community is going to excel where as others have failed, why will these homes stand out. Mr. Galvin said that all are in hopes that the economy turns around and with the gorgeous terrain people will want to buy these homes even though there many in the area that are vacant or being foreclosed on. He stated he was not sure of whom the 1800-3000 square foot homes are going to be marketed to, but feels confident that due to the price and location they will sell. Mr. Stults then confirmed that the 1800-3000 square feet describes under the roof footage. Mr. Wiley then spoke briefly from the perceptive of the city and the Community Development department on how although marketing and the economy are unpredictable; interest, from different developers, is growing as far as new projects are concerned.

After the project representative and the Commissioners were finished Mr. Stults asked if anyone else wished to speak and a few people raised their hand.

The first person from the public to speak was Larry King. He is a 38 year resident, whose property is adjacent to the concerned property. He asked several questions in regards to whether or not condos would be put up, whether the homes would be detached or attached homes, type of zoning, if they would have garages, full city utilities and when construction was projected to start. Mr. Wiley answered these questions. His responses were there would not be any condos, all homes will be single family residences zoned PUD, per city ordinances they would have garages, and yes full city utilities Mr. Galvin advised the projected construction start time would be about 18 - 24 months.

The next speaker from the public was Charlie Axtell. He advised he was involved in the original case in 2005. At that time, Legacy residents created a group to work with Shamrock Homes in order to not fight against the development but to create a development that would be compatible to Legacy. Some concerns that were brought before the previous owners included compatibility with Legacy in regards to home sizes, lot sizes, and design. He stated he was pleased to hear a fence would have to be put up, but was concerned about the type of fence, whether it would be a gapped fence or a solid fence. Mr. Wiley reassured him it would be a solid 6-foot fence. Mr. Axtell did bring up the fact that it would be a visual barrier except on one side. The south side it will only be physical barrier due to a dip in the land from railroad tracks, so the fence would be shorter in one section than the rest. Mr. Axtell noted there were a few other concerns that the Legacy residents had and they were in regards to vehicles, animals, outside storage, and property fencing type. These concerns were brought up before the previous owners and although he knew they were null and void now; he hopes the new owners would take these into consideration as well. Mr. Stults then asked Mr. Axtell about the

fencing around Legacy and either or not it was completely fenced in. Mr. Axtell responded by saying that no it wasn't due to Pringle not including it in the plan.

The third speaker from the public was Carol Thio. She is concerned with the protected wildlife on the property would be handled by the developers. Mr. Wiley explained to her that there are steps that have to be taken in regards to safely removing them or sectioning them off to a certain part of the property. The deciding factor on exactly how it will be handled will be figured out after the environmental/wildlife assessment has been completed. Mr. Wiley and Mr. Morrison agreed they thought some of the options were no longer available, but the animals would be taken care of properly and legally.

Mr. Stults called Mr. Galvin back up to speak and answer the questions that were previously asked of him. He commented on the start of construction and he believes within the next 12-18 months the engineering process would be completed, so it would be closer to 24 months before any construction actually begins. The next question he answered was in response to the compatibility to Legacy. He stated one of the main reasons they have decided to reduce the density was to make it more compatible with the surrounding areas. Fencing requirements were accepted as requested by the city. Lastly, in regards to the wildlife the appropriate steps will be taken to assure of their well being.

Mr. Coleman asked if Mr. King's question got answered. Mr. King replied that it had been.

Karen Hickerson came up and commented on the difference between the two developers and she is very pleased with the willingness Spring Creek has to work with Legacy.

Chris DeBou was the last to speak and he just wanted clarification on the lot size because one size was mentioned verbally on page 3, number 3 of the PUD conditions, yet another size was shown on the conceptual site plan. Mr. Galvin stated the lot sizes could be switched back to the original size of 70' x 80'. Mr. Wiley advised the conceptual site plan would be changed to match the language in the conditions. Mr. Lukich agreed that the written version was correct it was only the site plan that was wrong. Mr. Morrison explained the two just simply didn't match. Mr. Coleman briefly went over the initial process again for clarification. After he was finished, Mr. Townsend commented on how in all reality the developers could go on with the original plan or make new ones. Mr. Wiley agreed and said at this point the developers could use what is in place, and the Commissioners could decide to keep the old conditions, accept the new conditions, or revise either one.

There were no further questions or comments.

Commissioner Donald Lukich made a motion to APPROVE case # 034-1-081910 – SPRING CREEK – REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 7 to 0.

2. PUBLIC HEARING CASE # 035-1-081910 – CENTRAL FLORIDA HEALTH ALLIANCE – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1 +/- ACRES FROM CITY R-2 (MEDIUM DENSITY RESIDENTIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW ADMINISTRATIVE OFFICES FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST OAK TERRACE, EAST LEE STREET AND NORTH OF WEST NORTH BOULEVARD - **(CITY COMMISSION DATES - 1st**

READING ON SEPTEMBER 27, 2010 AND A 2ND READING ON OCTOBER 11, 2010)

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, SPUD planned development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

Bill Wiley spoke briefly about the history behind this case. He stated that within the last five years, this property has changed owners and uses. This building was part of the original Colonial Bank property. A buyer is now interested in buying this building, but since it was once incorporated with the original bank's zoning some non-conformity issues have created a problem with selling this particular building. In a meeting that the Planning and Zoning staff had it was decided to go ahead and do a SPUD zoning on it. Prior to 2004, there were some districts between residential and commercial zoning that the city didn't have, now there are new transition districts which help bring together residential and commercial zonings which will help with the non-conformity issues. Within the next 12-18 months, the City will be completing their Comp Plan, which is done every 7 years, by doing so many of the non-conformity issues should be cleared up.

No substantive comments were received from the departments and three public responses for approval were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with all adjacent properties zoned City R-2 (Medium Density Residential) and City C-3 (Highway Commercial). This is an area of transition from residential to more intense uses and the proposed zoning as conditioned would provide for transition to the adjacent residential uses. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with all adjacent properties and with the existing future land use designation of City High Density Residential.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

The Planned Development Conditions are the standard conditions developed by staff. A few are more specific to this case. First, on page 1, under land uses A (1) The uses on the property will be office type uses, B (1) all uses that not permitted by the R-P Residential –Office district. Second, on page 2, 4 (a) states access to the property is currently from W. Oak Terrace Drive on the north and Lee Street on the west. Third, under 5(A) the minimum development standards shall be those required for the C-2 General Commercial district except as amended by these conditions and as represented on the Conceptual Site Plan. Rear setback shall be zero from the property boundary. The rear setback was one of the non-conformity issues, so by having this condition the issue has

been taken care of. Mr. Wiley reiterated that the purpose of the rezoning was to take care of the non-conformity use and the rear setback issue.

Ms. Kimberley McMann spoke as the representative for Central Florida Health Alliance. She thanked the Commission and expressed the desire to bring in new jobs to the area. She reassured the Commissioners that the rezoning request was strictly for the purpose of insuring the building and getting a Certification of Occupancy from the city. Mr. Lukich asked her what the building was going to house and she confirmed that it was for administrative offices only.

There were no further questions or comments.

Commissioner Charles Townsend made a motion to APPROVE case # 035-1-081910 – CENTRAL FLORIDA HEALTH ALLIANCE – REZONING. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 7 to 0.

3. PUBLIC HEARING CASE # 036-0-081910 – LDC TEXT AMENDMENTS

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING THE CODE OF ORDINANCES CHAPTER 25, ARTICLE IV, ZONING, SECTIONS 25-284(3), USE TABLE, (4) RESIDENTIAL USE CATEGORIES, (5) GROUP LIVING AND (6) PUBLIC AND CIVIC USE CATEGORIES, SECTION 25-284(C), SECTION 25-361, REQUIREMENTS FOR ON-SITE TRAFFIC FLOW AND PARKING, AND ARTICLE VI, SIGN REGULATIONS; AND ARTICLE XI DEFINITIONS SECTION 25-818 DEFINITIONS; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE - **(CITY COMMISSION DATES - 1ST READING ON SEPTEMBER 13, 2010 AND A 2ND READING ON SEPTEMBER 27, 2010)**

Bill Wiley entered the exhibits into the record, which included the departmental review summary, staff recommendations and the draft ordinance text amendments.

No substantive comments received from the departments, nor any public comments received.

Bill Wiley stated the staff recommendation is for approval for the following reason:

The following amendments to the Land Development Code represent various amendments necessary as housekeeping items and some new clarification language such as Sec. 25-284(3) Use Table – Change CIP (Commercial/Industrial Planned) to SPUD (Small Planned Unit Development), Sec. 25-286 Residential uses (g) Transitional dwellings and Assisted living facilities, Sec. 25-424 Permitted signs – Clarification of the requirements for wall signs and Sec. 25-818 Definitions – Providing for clarification of Assisted Living residential facilities.

Below are the articles that have been changed either by additions or deletions.

Article IV Zoning Districts

Sec. 25-284(3) Use Table – Change CIP (Commercial/Industrial Planned) to SPUD (Small Planned Unit Development) designation. Change various Limited and Conditional Uses to Permitted Uses for Planned Districts, and clarify Assisted Living uses and revise requirements for medical facilities uses. Change C-3 Highway Commercial uses for vehicle sales and service from permitted to Conditional Use Permit.

Sec. 25-284(4) Residential use and (5) Group Living categories – To clarify Assisted Living uses

Sec. 25-284(6) Public and civic use categories – To clarify governmental uses to add clinics

Sec. 25-286 Residential uses (g) Transitional dwellings and Assisted Living facilities
– To add and clarify Assisted Living uses requirements.

Article V Site Design Standards

Sec. 25-361. Requirements for on-site traffic flow and parking – Clarification of the Schedule for Vehicular Parking Space Requirements for Exempted uses and restaurants

Article VI Sign Regulations

Sec. 25-424 Permitted signs – Clarification of the requirements for wall signs for large commercial, industrial uses and complexes with one hundred foot setbacks or larger.

Article XI. Definitions

Sec. 25-818. Definitions – Providing for clarification of Assisted Living residential facilities

The deletions/additions that were made to each of the above articles are as follows:

Article IV Zoning Districts

Sec. 25-284(3) Use Table- this was overlooked and didn't make it into Land Use Code Amendments, Chapter 25 Code of Ordinances

Sec. 25-284(4) Residential use and (5) Group living categories- this section clarified Assisted Living uses which is now broken down into two categories Assisted Living Home and more of a commercial type Assisted Living.

Sec. 25-284 (6) Public and civic use categories- clarification of transition type property

Sec. 25-286 Residential uses (G) Transitional dwellings and Assisted Living Facilities – this clarifies the requirements for both

Article V Site design Standards

Sec. 25-361 Requirements for on-site flow and parking – in this section the historical district was accidentally exempt which was not the intent, so under this exemption section we referenced another section in which this can be found; restaurant parking was also clarified

Article VI Sign Regulations

Sec 25-424 Permitted signs- clarification was made for setbacks so the setbacks are now consistent with the size of the sign and the percentage was changed for the bigger buildings that sit off the road so now their signage is appropriate for location and is compatible with surrounding businesses

Article XI Definitions

Sec. 25-818 Definitions – an Assisted Living definition was added which was not present before

After Mr. Wiley was done speaking about the corrections/deletions, he asked if there were any questions.

Ms. Heim had a couple about the Sign Grant Program. Her first question was about the compliance schedule for business' to fix their signage. Mr. Wiley told her it was 10 years, but the sooner the signage was done the more percentage they received from the grant for their cost of fixing the sign.

Ms. Heim's next question was how do the businesses know about the changes and the new requirements. Mr. Wiley stated that letters were sent out to all those with business tax receipts in the city of Leesburg, about 800, as well as all the sign companies, it is posted on the website, and also on Lakefront TV.

Mr. Townsend asked about the grant process. Mr. Wiley told him the grant was paid for out of the CRA fund. Mr. Townsend then asked whether the CRA fund was funded by the city taxpayers and/or the county taxes as well. Mr. Morrison answered the question by stating it was paid for by the community area people, but it makes no difference the location of the people because the taxes are the same in or out of the CRA area.

Mr. Coleman stated that means the property value actually goes up because of the new signage. Mr. Townsend responded that would only work if the company that bought the business was the same type and also had the same name as the previous company.

After this discussion no one had any further comments or question and a vote was taken.

Commissioner Jo Ann Heim made a motion to APPROVE case # 036-0-081910 – LDC TEXT AMENDMENTS. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 7 to 0.

Discussion:

None

The next scheduled meeting date is September 23, 2010.

The meeting adjourned at 4:49 p.m.

Roland Stults III, Chairperson

Jo Ann Heim, Vice Chairperson

Amelia Serrano, Administrative Assistant II